



**REGULAR MEETING
MINUTES OF ACTIONS
Wednesday, February 27, 2013
Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 PM

PLEDGE OF ALLEGIANCE

Case Review Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
✓	✓	✓	✓	O	✓	O	V	✓

✓ = Present **B** = Absent / Business **S** = Absent / Sick **V** = Absent / Vacation **O** = Absent / Other
UE = Absent / Unexcused **L** = Late **LE** = Left Early **■** = Vacant

STAFF: Frank Hauptmann, CPRC Manager; Phoebe Sherron, Sr. Office Specialist

Public Comment

There was no public comment regarding closed session items.

Closed Session – Case Review

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:05 PM to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	CPRC CASE NO.	RPD CASE NO.
1)	12-019	PC-12-05021
2)	12-028	PC-12-10040

The Commission recessed at 5:30 PM to reconvene in the Regular Meeting.

REGULAR MEETING – 5:30 PM

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

PLEDGE OF ALLEGIANCE

Regular Meeting Roll Call

Rotker	Smith	Johnson	Sawyer	Ortiz	Jackson	Roberts	Santore	Adams
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'Thank You' Presentation

'Thank You' to Commissioner Janice Sawyer for her service to the City of Riverside as a CPRC Commissioner from 2012 to 2013.

Mr. Hauptmann presented Commissioner Sawyer with a gift from the Commission, memorializing her year of service with the CPRC and thanking her for her time and hard work.

Vice-Chair Jackson thanked Commissioner Sawyer for her service as well.

Commissioner Smith said she was sorry to see Commissioner Sawyer leave.

Public Comments

Public comment on any subject matter within the Commission's jurisdiction.

There were no public comments.

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) January 23 Regular Meeting	Johnson	Adams	Unanimous	0	0
B) February 13 Special Meeting	Adams	Johnson	Rotker Johnson Sawyer Jackson Adams	0	Smith

Outreach

A) February Outreach

Commissioner Adams:

- California Pizza Kitchen for Officer Memorial
- Raincross 5K Run

Commissioner Johnson:

- CIONO "Free Shop Day"
- Black History Parade and Farmers' Market
- CIONO Potluck Dinner
- Attended services for Fallen RPD Officer Michael Crain
- Attended services for Fallen San Bernardino Deputy Josh MacKay

Commissioner Smith:

- Attended the candlelight vigil held for Officer Crain

Commissioner Sawyer:

- Heart-to-Heart on February 23

Commissioner Rotker:

- Attended services for Fallen RPD Officer Michael Crain

Vice-Chair Jackson:

- CIONO "Free Shop Day"
- Mt. Rubidoux Alliance
- Neighborhood Network
- Attended meeting with Anne Seymour at Riverside Visitors Bureau to start on the RFP for the NACOLE Conference 2014
- MADD Awards

Vice-Chair Jackson for Chairwoman Roberts:

- Involved the NACOLE Finance Committee
- Raincross 5K Run
- Attended meeting with Anne Seymour at Riverside Visitors Bureau to start on the RFP for the NACOLE Conference 2014

Mr. Hauptmann:

- Sat on discussion panel at annual civil rights symposium with Laura Levinson and Michael Gennaco; focused on civilian oversight
- February 25 - 27 attended the annual Police Chiefs' symposium.
 - Many chiefs were interested in learning about civilian oversight;
 - Main questions was what happened to create the Commission;
- to start RFP process for NACOLE Conference 2014
- Attended meeting with Anne Seymour at Riverside Visitors Bureau to start on the RFP for the NACOLE Conference 2014
 - a lot of enthusiasm from Mayor and others about the conference;
 - If RFP is accepted, may need members to give a bit more support;
 - Chief Diaz will also write a letter of support for the conference.

Christina Duran informed the Commission that the Eastside Think Tank would be meeting on March 20 at 6:30 PM at Bobby Bonds Park.

B) Scheduled Outreach Events

- 1) Mayor's Night Out – February 28th at 6:30 PM, Villegas Community Center, 3091 Esperanza Street
- 2) 2nd Annual 'Chief's Breakfast' – March 7th at 6:45 AM, Music Room at the Mission Inn
- 3) Annual Boards & Commissions Reception – March 18th at 5 PM, Riverside Municipal Auditorium
- 4) Eastside Community Fair & Egg Hunt – March 23rd at Bobby Bonds Park, 2060 University Avenue; event is from 10 AM – 2 PM.
- 5) Law Enforcement Appreciation Dinner and Awards – April 18th at Pechanga Resort & Casino in Temecula

C) Future Outreach Opportunities

- 1) Input from Outreach Coordinator on upcoming outreach events
- 2) Input from Commission Members on potential outreach events

Ms. Sherron spoke on scheduled outreach and planned Commissioner attendance at those events.

Commissioner Johnson informed the Commission of several upcoming community events:

- Assistance with tax preparation at various locations
- March 7 – Chief's Breakfast
- March 20 – RPD Lecture Series: Poly High School
- April 19 – CIONO "Free Shop Day" at the Community Settlement Association

OLD BUSINESS

Officer-Involved Death (OID) Case Evaluations

A) Continue Pablo OID Case Evaluation

Vice-Chair Jackson asked Mr. Hauptmann if the MDC training for this case would still take place; he said it would. She then asked if the video provided by Commissioner Johnson would be placed online. Mr. Hauptmann said he would have Ms. Sherron upload the video to the website.

Vice-Chair Jackson also noted that commissioners now had access to the RPD's FTO Program Guide. She noted that the multi-tasking with the MDC occurs in Phase 1 of the training guide.

Commissioner Rotker said he would like RPD management to explain the rationale behind officers being able to use the MDC while driving when the community believes they shouldn't. He said he would like to hear both sides of a potential policy change.

Vice-Chair Jackson noted Commissioner Adams' comment on another driver waving at Ms. Pablo to cross the street. Commissioner Adams said that she also thought the officer's reaction could have been quicker if he had not been using the MDC.

Commissioner Johnson said he didn't see that there would be any real progress until the Commission had received the training.

Vice-Chair Jackson said the Commission is still on Stage 2 and also working on Stage 3, but that further discussion would not occur until after the training.

Paul Chavez said the Commission was dealing with reports that he didn't agree with. He said that the officer was travelling at 40 mph and that the officer said he was using computer prior to incident. When the accident occurred, however, he was driving at 30 mph, but he didn't have much time to hit his brakes. If the accident was caused because the officer was using his MDT, his not paying attention was part of the problem.

Christina Duran asked if the officer wears glasses and that nothing about that has been mentioned by RPD or the CPRC investigator. She also asked where the sun was in reference to the officer's location.

Vice-Chair Jackson also commented on RPD's 19-week mandatory training program which also mentions the "ghost ride" and asked if Lt. Loftus could inform the commissioners about it.

Lt Loftus said that RPD's standard officer training is 19 weeks if no issues arise during the training process. The "ghost" phase is a 2-week phase where the Field Training Officer (FTO) is a "ghost" in the background. The FTO dresses in plain clothes and observes the officer in training.

B) Continue Romo OID Case Evaluation

Vice-Chair Jackson said that the fact sheet was accepted at the February 13 meeting and that most of the RPD policies that were discussed had been posted, but noted that she didn't see a policy addressing the serving of high-risk search warrants. Mr. Hauptmann said he found nothing about high risk search warrants in his review of the policy manual.

Lt. Loftus said the Department has a "game plan" where they note the history of the person on the search warrant. Also noted are other residents and the neighborhood. If a weapon is suggested and deemed serving of the warrant is deemed high risk, it's transferred to the METRO, or SWAT, Team and they will serve the warrant.

Mr. Hauptmann asked Lt. Loftus if this was in the manual or if it was actually a standard operating procedure (SOP). Lt. Loftus said he wasn't sure, but that he would check and then get the information to him.

Commissioner Rotker asked Lt. Loftus

- if officers are obliged to follow SOPs as they are with the manual.
 - SOPs don't carry the same weight as policies, but SOPs can be the procedures for items that may be included in the policy manual.
- what happens when an officer doesn't follow an SOP.
 - The Department could go to a policy that the officer may have violated: the policy says take a report and the SOP says what that report should contain.
- about an SOP for entering a house with a search warrant and what would happen if an officer didn't follow that SOP.
 - You would look at the policy the SOP referred to. The finding wouldn't be a violation of the SOP, but of the policy.

Mr. Hauptmann said it is important to know that if an officer fails to follow the SOP, the Commission can look at that during its review of that case. He noted that the Commission must remember to ask if an officer's failure to follow the SOP during an incident contributed to the use of deadly force.

Commission Johnson said that the officers' entered the Romo residence with a bangbar, but found the door was obstructed. He asked when the officers' viewed the situation as a barricaded suspect and at what point would the officers have decided to back off. Mr. Hauptmann said he understood the question and that Lt. Loftus would speak on that during training.

Commissioner Rotker:

- was concerned about the amount of bullets expended by two officers and the many impact points. He asked when the officers had their last firearms training and if there was an explanation as to why so many bullets were off the mark.
 - Mr. Hauptmann responded saying that officers have to move from one position to another in order to obtain more cover. He noted that many times, officers will fire – cover fire – simply to occupy the suspect in order to keep them from moving, but that officers should also be aware of the background when shooting in this manner. He said that this issue comes up in many cases and officers often can't accurately recall how many rounds they fired.
- said he was not so concerned about the number of rounds as he was the impact points. He said that it seemed to be wild fire, although defining it as cover fire explains it, noting that the female detective went from a standing position to hiding behind couch and that her partner could have given cover fire

during her period of repositioning

- Mr. Hauptmann said that if person providing the cover fire is moving, they aren't going to focus on a specific target or aim very well. He suggested that commissioners read the officer transcripts.

Commissioner Johnson said that one officer did get inside and that he understood her rounds, but the other officer didn't get inside and was shooting through the door and there was no way to know where those shots went.

Commissioner Smith said she was surprised more rounds weren't fired, noting that fear can distort perception.

Vice-Chair Jackson advised that the firearms training will be in the Administrative report.

Mr. Hauptmann said that every officer has to qualify on a regular basis. If an officer hasn't qualified, he can't go out in the field.

Lt. Loftus expanded on this. He said that officers in California qualify only once at the academy. RPD does bi-monthly training. He said that uniformed officers do firearms training every other month and their proficiency goes into their personnel file. He noted that they also do various types of training such as a failure drill where a dummy round is included in the magazine and training with the opposite hand.

Mr. Hauptmann said that it is not a secret when an officer goes for training, but those scores are not public record.

Commissioner Rotker asked if training was the same for uniformed officers and plain clothes. Lt. Loftus said that it is.

Vice-Chair Jackson asked if there were any other questions. Mr. Hauptmann said if a commissioner had a question, to forward it to him and he would send the answer to all commissioners.

C) Continue Ledezma OID Case Evaluation

Vice-Chair Jackson noted that the fact sheet had not been received yet and asked when it would be done. Mr. Hauptmann said that case had been held back somewhat due to other the cases, but that it should be done by the March regular meeting.

Commissioner Rotker asked Ms. Sherron if she remembered the Commission voting to handle OIDs one case at a time. She said she did, but would check the minutes and advise the Commission of the results of her search.

Vice-Chair Jackson asked Ms. Sherron to check on this vote.

Commissioner Smith advised that the subject was not on the agenda so it could not be discussed. She did note, however, that she was not advocating the handling of only one case at a time. She also asked that once a case is discussed, that it be noted what stage the Commission is in with its review.

Commissioner Adams supported the comments of Commissioners Rotker and Smith. She noted that the Commission's simultaneous handling of more than two cases does not to justice to the family.

Commissioner Johnson also agreed with the previous statements and said that a case should not be agendized until it can actually be discussed.

Vice-Chair Jackson asked if it were possible for a motion to be made to suspend Ledezma until other cases were completed. Mr. Hauptmann said yes, that could be done. He noted that while two cases could be handled at the same time, three could be a bit too much; Ledezma would be removed from the agenda until the Commission was ready to discuss it.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
That Ledezma be removed from the agenda	Smith	Johnson	Unanimous	0	0

Annual Report 2012

Discussion and action, if any, on Draft No. 2 of the 2012 Annual Report.

Committee Chair Smith noted that:

- items in the Outreach section had not yet been corrected;
- the 'Trends & Patterns' section had been removed, but that Mr. Hauptmann might have suggestions for that section;
- the last paragraph in 'Community Relations' was being revised and should be available in the next week.

Commissioner Johnson asked if a meeting would be held on March 13. Vice-Chair Jackson asked if commissioners felt a second meeting was needed and a show of hands unanimously agreed with the need.

NEW BUSINESS

CPRC Officer Nominations

Self-nomination or nomination of fellow commissioners for 2013 CPRC Chair and Vice-Chair; elections to be held during the first meeting in March.

Mr. Hauptmann asked that any nominations be sent to him.

Revisions to CPRC By-Laws

Discussion on the document-wide revisions to the CPRC By-Laws.

Committee Chair Rotker said that the Commission had been provided the suggested changes and noted that those suggested changes make the By-Laws a better document. He said he hoped the vote to approve the amended document would take place at the next meeting.

Vice-Chair Jackson asked if City Attorney Priamos had reviewed the document. Committee Chair Rotker confirmed that Mr. Priamos had reviewed it and subsequently approved the suggested changes.

Staff Report

Mr. Hauptmann had nothing to report.

Commission Member Comments

Pursuant to Government Code Section 54954.2, Commission members may use this time to make brief announcements or a brief report on their own activities.

Commissioner Rotker asked Mr. Hauptmann if the briefing on the recent OID would be done soon and if Mr. Bumcrot had been out to the scene yet. Mr. Hauptmann said yes, the briefing would be done soon and yes, Mr. Bumcrot went to the scene, but left shortly after arriving because RPD was still working on the scene.

Commissioner Johnson thanked Mr. Hauptmann for the information regarding Mr. Bumcrot's quick response on the recent OID.

Vice-Chair Jackson thanked Lt. Loftus for answering Commission questions.

Items for Future Commission Consideration

There were none.

Adjournment

The Commission adjourned at 6:39 PM.

Respectfully submitted,

A handwritten signature in red ink that reads "Phoebe Sherron". The signature is written in a cursive style and is positioned above a horizontal line.

PHOEBE SHERRON
Sr. Office Specialist